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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

Glenn E. Johnson, Richard H. Hunger, Lloyd L. Betcher and Lawrence F. Possehl, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Case No.:
3-91-Civil-471

AB, CD, EF and GH, whose true and correct names are unknown, Plan Administrators, Fiduciaries, Named Fiduciaries, Committee Members and Trustees of the Clevite Industries Inc. Hourly Retirement Plan, Clevite Industries Inc. Hourly Retirement Plan, The Pullman Company, and Clevite Industries, Inc.,

Defendants.

ORDER

AND NOW, this 13th day of March 1992, upon consideration of the parties' Stipulation for Entry of Summary Judgment in Favor of Defendants on Counts II through VIII of the Complaint, it is hereby ORDERED that, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Counts II through VIII of the Complaint are dismissed with prejudice.

Paul A. Magnuson
United States District Judge

FILED MARCH 13 1992
FRANCIS E. DOSAL, CLERK
JUDGMENT ENTERED_____
DEPUTY CLERK'S INITIALS_____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
THIRD DIVISION

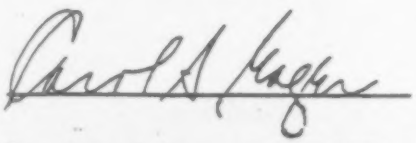
Glenn E. Johnson, Richard H. Hunger, Lloyd L. Betcher and Lawrence F. Possehl, on behalf of themselves and others similarly situated, Plaintiffs,	:	
v.	:	
AB, CD, EF and GH, whose true and correct names are unknown, Plan Administrators, Fiduciaries, Named Fiduciaries, Committee Members and Trustees of the Clevite Industries Inc. Hourly Retirement Plan, Clevite Industries Inc. Hourly Retirement Plan, The Pullman Company, and Clevite Industries, Inc., Defendants.	:	Case No.: 3-91-Civil-471

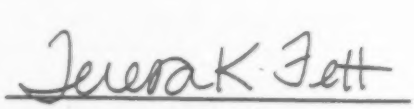
STIPULATION FOR ENTRY OF SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS ON COUNTS II THROUGH VIII OF COMPLAINT

After consideration of discovery documents and the arguments set forth in defendants' Motion to Dismiss or For Summary Judgment on Counts II through VIII of the Complaint and accompanying Memorandum of Law and Affidavits, plaintiffs do not contest the entitlements of defendants to the entry of summary judgment in favor of defendants. Plaintiffs will proceed with the remaining portion of the Complaint on behalf of the four individuals named in the Complaint and will not pursue class certification.

The parties, therefore, stipulate that the attached Order correctly sets forth the agreement between them. The parties further stipulate that the remaining portion of the Complaint (Count I) will proceed to be resolved on motion(s) for summary judgment.

Accordingly, the parties respectfully request that the Court enter the attached Order.





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Dated: 3/6/92

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Dated: 3/10/92

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

Glenn E. Johnson, Richard H. Hunger, Lloyd L. Betcher and Lawrence F. Possehl, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

AB, CD, EF and GH whose true and correct names are unknown, Plan Administrators, Fiduciaries, Named Fiduciaries, Committee Members and Trustees of the Clevite Industries Inc. Hourly Retirement Plan, Clevite Industries Inc. Hourly Retirement Plan, The Pullman Company, and Clevite Industries, Inc.

Defendants.

Case No.:
3-91-Civil-471

ORDER

AND NOW, this 1st day of June, 1992, upon consideration of the parties' Stipulation for Dismissal of Glenn E. Johnson as a Plaintiff, it is hereby ORDERED that, Plaintiff Glenn E. Johnson is dismissed with prejudice.

FILED JUNE 2, 1992
FRANCIS E. DOSAL, CLERK
JUDGMENT ENTERED_____
DEPUTY CLERK'S INITIALS_____

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

Glenn E. Johnson, Richard H. Hunger, Lloyd L. Betcher and Lawrence F. Possehl, on behalf of themselves and all others similarly situated,

Plaintiffs,

Case No.:
Civil 3-91-471

v.

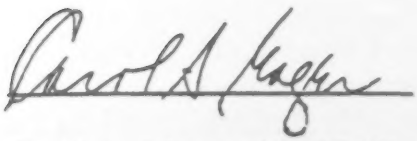
AB, CD, EF and GH, whose true and correct names are unknown, Plan Administrators, Fiduciaries, Named Fiduciaries, Committee Members and Trustees of the Clevite Industries Inc. Hourly Retirement Plan, Clevite Industries Inc. Hourly Retirement Plan, The Pullman Company, and Clevite Industries, Inc.

Defendants.

STIPULATION FOR DISMISSAL OF PLAINTIFF GLENN E. JOHNSON

Plaintiffs and Defendants hereby stipulate that Plaintiff Glenn E. Johnson will be dismissed, with prejudice, as a plaintiff in this case.

Accordingly, the parties respectfully request that the Court enter the attached Order.



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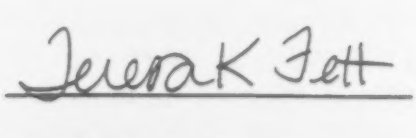
ATTORNEYS FOR DEFENDANTS

Dated: May 21, 1992



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ATTORNEYS FOR PLAINTIFFS

Dated: May 27, 1992

AGREEMENT

WHEREAS, on February 17, 1987, JPI Acquisition, Inc., a subsidiary of J.P. Industries, Inc. ("JPI"), purchased the assets of the Engine Parts Division ("EPD") of Clevite Industries, Inc. ("Clevite"); and

WHEREAS, on February 17, 1987, JPI offered employment to all active EPD employees at the Lake City, Minnesota plant; and

WHEREAS, the majority of EPD employees at the Lake City, Minnesota plant accepted JPI's offer of employment; and

WHEREAS, the employees of the Lake City plant were represented by the Local Lodge No. 650 of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers, AFL-CIO (the "Union"); and

WHEREAS, JPI and the Union now wish to enter into a Collective Bargaining Agreement setting force terms and conditions of employment for employees of JPI at its Lake City plant;

NOW, THEREFORE, JPI and the Union agree to execute a collective bargaining agreement and agree to terms and conditions of employment which are the same as set forth in the Collective Bargaining Agreement executed between Clevite and the Union and (which shall similarly expire on October 2, 1987), only under the following condition:

1. Except for settlements of outstanding grievances, JPI does not agree and specifically does not adopt or assume any liabilities, debts, or obligations occuring as a result of or arising out of any of the terms, conditions, or benefits, of the Collective Bargaining Agreement between Clevite and the Union prior to February 17 1987.

2. JPI agrees to provide health insurance and hospitalization insurance to all active employees of the Lake City plant at the same level of benefits that they had been receiving prior to February 17, 1987.

3. JPI agrees to establish a new pension plan for all active hourly employees which will provide benefits using the same monthly multiplier which was in effect under Clevite's previous pension plan for the Lake City employees. Under JPI's plan, an hourly employee's past service with Clevite will be given credit only for vesting purposes but not for benefit accrual purposes.

4. This Agreement will expire on October 2, 1987, under the terms and conditions set forth herein.

NOW, THEREFORE, the parties execute this Agreement of the 10th day of March, 1987.

JPI ACQUISITION, INC. A SUBSIDIARY OF J.P. INDUSTRIES, INC.	LOCAL LODGE NO. 650 OF THE INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS, AND HELPERS AFL-CIO.
David D. Tytton 3-10-87	
Thomas A. Dennis	Bill Dais
	Peter A. Pistorius
	John Lyle
	George Christensen
	Arthur J. Sturneman
	Harold A. Lofgren